THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.1820 of 2003

DATED: 05.12.2007

Between:

Y.T.V.K.R. Babu

.. Petitioner

And

The Commissioner & Director of Intermediate Education, Andhra Pradesh, Hyderabad and others.

.. Respondents

THE HONOURABLE SRI JUSTICE C.V. RAMULU

WRIT PETITION No.1820 of 2003

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the 3rd respondent in not paying the salary attached to the post held by the petitioner, as arbitrary and illegal.

It appears, pursuant to a notification, dated 05.01.2002, issued by the 3rd respondent College, inviting applications from the eligible candidates for the aided posts of Physical Director and Librarian, the petitioner applied for the post of Physical Director. He was subjected to selection process and was issued with appointment order, dated 08.03.2002, for the post of Physical Director. While so, the grievance of the petitioner is that though he was duly selected and issued with appointment order to the post of Physical Director, which is filled up with the permission of the 1st respondent – Commissioner & Director of Intermediate Education, he was not permitted to discharge the duties in view of the interim orders passed by this Court in W.P.No.11179 of 1999 filed by the part time employees of the College and was not being paid salary.

However, in the counter-affidavit filed on behalf of the 1st

respondent, it is stated that the 1st respondent, vide proceedings dated 16.03.2002, has cancelled the permission earlier accorded to the 3rd respondent for filling up of the post of Physical Director, in view of the interim orders passed by this Court in W.P.No.11179 of 1999.

Learned counsel for the petitioner contended that the said proceedings, dated 16.03.2002, cancelling the permission earlier accorded to the 3rd respondent college, were neither communicated to the 3rd respondent college nor to the petitioner and though the petitioner is being continued in the said post, salary is not being paid to him.

This Court, by order dated 18.03.2003, in W.P.M.P.No.2370 of 2003, directed the respondents to pay salary to the petitioner from 08.03.2002 and continue to pay him salary every month, pending disposal of the writ petition.

In view of the above, one thing is clear that in view of filing of W.P.No.11179 of 1999, permission to fill up the aided vacant post of Physical Director was cancelled and, as such, though the petitioner is being continued in service, his services were not regularized. Since the said W.P.No.11179 of 1999 is dismissed as infructuous today i.e. on 05.12.2007, I am of the opinion that now there will not be any hurdle in the way of the respondents for considering the case of the petitioner.

Under those circumstances, the respondents shall consider approving the appointment of the petitioner and regularizing his services from the date of his appointment i.e. from 08.03.2002, without reference to the cancellation of the permission to fill up the post, vide proceedings dated 16.03.2002, in view of the fact that he was already subjected to regular selection process. The respondents shall

complete this exercise within a period of eight weeks from the date of receipt of a copy of this order.

With the above directions, the writ petition is disposed of. No order as to costs.

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JUSTICE C.V. RAMULU

5th December, 2007.

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